

# Utah Department of Transportation



## GUIDELINES FOR UNIFORMED OFFICER USE IN WORK ZONES

DATE: February 3, 2015

Written in support of UDOT Policy 06C-02:  
Uniformed Officer Use in Work Zones

Written to meet 23CFR PART 630, SUBPART K, 630.1106 (e)

## TABLE OF CONTENTS

I.	GENERAL GUIDANCE	3
	A. TRAFFIC CONTROL OPERATIONS	3
	B. PRESENCE	3
	C. ENFORCEMENT	5
	D. EMERGENCY ASSISTANCE	5
II.	EARLY COORDINATION WITH EMERGENCY SERVICES	5
III.	FIELD USE GUIDANCE	6
IV.	UNIFORMED OFFICER TRAINING	6
V.	UNIFORMED OFFICER REIMBURSEMENT AGREEMENTS/PAYMENT	6
VI.	EXAMPLE INTERLOCAL AGREEMENT	7
VII.	EXAMPLE SPECIAL PROVISION	11

## GUIDELINES FOR UNIFORMED OFFICER USE IN WORK ZONES

### **I. GENERAL GUIDANCE:**

The following guidelines for the use of uniformed officers were developed by the Utah Department of Transportation (UDOT) in cooperation with FHWA for the use on construction, maintenance and permit projects. The goal of these guidelines is to reduce the likelihood of injuries and fatalities to workers and road users in Utah's Work Zones, while maintaining a fiscally responsible approach in their use. These guidelines provide parameters to identify the appropriate type and need while providing consistent use of uniformed officers addressed in the following categories:

- A. Traffic control (guiding and directing traffic in, through, and around a work zone).
- B. Presence (deter speeding and aggressive driving, encourage drivers to cautiously proceed through the work zone)
- C. Enforcement (actively enforce traffic laws within the work zone on an as needed basis to gain driver awareness rather than as a full-time operation).
- D. Emergency assistance (assist and coordinate activities at accident sites within the work zone, report accidents)

### A. TRAFFIC CONTROL OPERATIONS:

Examples of dynamic traffic control operations where uniformed officers may be used include:

- 1. Directing traffic through complex intersections
- 2. Complex or very short term changes in traffic patterns with significant potential for road user confusion or worker risk from traffic exposure
- 3. Traffic slow down operations on freeways, expressways, and high speed facilities. See UDOT Standard Specification 01554.

### B. PRESENCE:

The presence of Uniformed officers is to deter speeding and aggressive driving while encouraging drivers to cautiously proceed through the work zone. The use of uniformed officers for presence should only be used when there is an added safety risk to the workers and road users due to speeding, aggressive driving behaviors, and or high traffic crash/incident rates attributed to other factors.

Uniformed officers may be used for presence on high-speed facilities when workers are not behind positive protection devices and are in close proximity to high volume traffic or where unique work zone conditions require a higher level of driver awareness to ensure safety.

Situations where uniformed officers used for presence are typically required , but are not limited to:

- 1) Worker presence, in excess of 3 day duration, located within the Work Clear Zone and on roadways with a preconstruction posted speed of 45 mph or

greater, without mitigation or positive protection devices as described in Traffic Control Standard Drawings and Specifications.

- 2) Initial freeway lane closures, including full closures and closure of on and off ramps or significant changes to static traffic control .
- 3) Traffic control setup or removal that presents increased risks to workers and road users due to limited motorist sight distance, innovative intersection design, weather or other factors.
- 4) Night work operations where workers are located within the AASHTO Clear Zone.

Situations where uniformed officers used for presence are not typically required but should be considered include, but are not limited to:

1. High-speed roadways where traffic queuing is anticipated, especially if the queue forms a considerable distance in advance of the work zone or work space
2. Existing traffic conditions and crash histories indicate a potential for substantial safety and congestion impacts related to the work zone activity, and may be mitigated by improved driver behavior and awareness of the work zone
3. Lane closures on non freeways with a posted speed of 45 mph or higher
4. Moving Operations
5. Weather

If all work is behind barrier, officers are typically not necessary.

The manner of use of uniformed officers for nighttime operations and the vehicle location in the work zone should be carefully considered. The inappropriate positioning of uniformed officers vehicles, may detract from the positive guidance the work zone traffic control devices (TCDs) provide.

Though typically not necessary, uniformed officers may also be used for presence on roads with posted speeds of 40 mph or less if UDOT determines that a uniformed officer presence is needed to address a specific safety issue. Examples of work zones where a uniformed officer may be needed include, but are not limited to:

1. High crash rate.
2. Excessive vehicle speeds.
3. Concern regarding roadway geometrics.
4. A work zone with excessive sun glare.
5. Frequent or differing traffic control setups.

NOTE: Using the flashing blue lights from a uniformed officer's vehicle to slow traffic approaching a work zone with poor visibility (i.e. sun glare) or poor sight distance due to geometric features should be considered only after other measures have been considered and determined they may be ineffective.

### C. ENFORCEMENT:

The use of uniformed officers for enforcement is to actively enforce traffic laws within the work zone above the uniformed officers normal level of service to gain driver awareness. The following guidelines are recommended to reduce the likelihood of injuries and fatalities to workers and road users by enforcing traffic laws within work zones. Enforcement can only be performed by uniformed officers.

Enforcement should be used during work zone operations where excessive speed and/or other aggressive driving behaviors are likely to jeopardize the safety of the workers and other road users and safe options exists for motorists to pull off the roadway.

Uniformed officers being used for presence should typically not be used for enforcement except for flagrant violations of traffic law.

If an arrest is necessary, the work-zone detail uniformed officer shall call in, and turn the arrest over to, an on-duty officer if one is available.

### D. EMERGENCY ASSISTANCE:

While on site, work-zone detail uniformed officers may offer immediate assistance in emergency situations and coordinate with other emergency responders. However, on-duty uniformed officers should be called to respond to vehicle crashes and other incidents within the work zone to allow the work-zone detail uniformed officers to resume their previously assigned duties.

During design of the project these guidelines should be used as a first step in identifying initial need, to be further developed and refined through coordination with Construction and the Region Traffic Engineers. This will ensure consistency and conformity over all projects. These guidelines should also be used in the development of the contract documents. The Resident Engineer and Project Manager should be involved in the development of the contract plans, Prosecution and Progress, and Maintenance of Traffic Plan (MOT) narrative as much as possible, such that an appropriate use and cost for uniformed officers is provided in the contract.

## **II. EARLY COORDINATION WITH EMERGENCY SERVICES**

During the Project Development phase of the project, the Project Manager will notify the local municipality or county in which the work is being performed regarding UDOT's intentions for the potential use of uniformed officers within the work zone.

Early on in the public participation process, UDOT, or the project owner, should contact the law enforcement, fire, and other appropriate local officials for their input regarding current or past experiences related to traffic control issues within the vicinity of the proposed project limits. Topics of discussion may include, but are not limited to the

- A. Accident history
- B. Commuter traffic patterns
- C. Traffic volume increases at certain times of day (i.e. school or factory letting out)
- D. Traffic volume increases at certain times of year (tourist season)
- E. Special town events (fairs, parades, etc.)

### **III. FIELD USE GUIDANCE:**

If UDOT determines that a uniformed officer is needed within the work zone, the following guidelines should also be followed:

- A. Use Utah Highway Patrol (UHP) on freeways. County or Municipal Uniformed Officers may be used on freeways if UHP is unavailable.
- B. Private and unmarked vehicles will not be allowed. Special duty vehicles, such as D.A.R.E. and animal control, will not be allowed.
- C. The uniformed officer's vehicles shall include flashing blue lights, visible from 360 degrees, to deter aggressive driving behavior. When uniformed officer's vehicles are used for nighttime work, flashing blue lights shall be dimmed, if possible. Lights shall only be visible to the rear if operating on a one way facility such as a freeway
- D. Uniformed officer's vehicles should typically be located prior to the beginning of the lane closures or shifting areas in order to not distract from traffic control delineation and signing. The uniformed officer and UDOT and Contractor representatives should jointly determine the best location for the officer to be stationed.
- E. All traffic control personnel shall wear high-visibility safety apparel meeting the requirements of the most current MUTCD edition adopted by UDOT.
- F. The uniformed officer will be given the name of one member of UDOT and one member from the Contractor who will be onsite and their respective phone numbers so the uniformed officer knows whom they may contact should the need arise.

### **IV: UNIFORMED OFFICER TRAINING:**

Effective **July 1, 2015** all uniformed officers working on all federally and/or UDOT funded, including municipally managed projects, will be Utah POST certified and shall have successfully completed FHWA's course on *Safe and Effective Use of Law Enforcement Personnel in Work Zones*. This course can be taken online, at any time, for free through the National Highway Institute.

<http://go.usa.gov/SbrB>

This course shall be taken once every four years. The individual law enforcement agencies will keep a list of currently certified officers. Proof of successful course completion shall be supplied upon request.

## **V. UNIFORMED OFFICER REIMBURSEMENT AGREEMENTS/PAYMENT:**

Reimbursement of uniformed officers for UDOT contract work will be accomplished by the contractor being invoiced by the Uniformed Officer's agency. UDOT will reimburse the contractor through the contract line item up to the predetermined number of bid hours at the predetermined unit contract bid price. The contractor shall, place all costs associated with the management of the uniformed officers in the lump sum unit price for Traffic Control. The local UDOT Region may be invoiced directly by the law enforcement agency in lieu of invoicing the contractor, up to the maximum number of hours provided for in the contract.

## **VI. EXAMPLE INTERLOCAL AGREEMENT**

If a County or Municipal Uniformed Officer is planned to be used, the following Interlocal Agreement should be executed.

Project Number: XXXXXXXX  
Pin Number: XXXXXX

## **INTERLOCAL AGREEMENT**

for the reimbursement of

### **Uniformed Law Enforcement Officers in Construction Work Zones**

This Interlocal Agreement ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ by \_\_\_\_\_ City/County ("\_\_\_\_\_"), and the Utah Department of Transportation ("UDOT"). These Public Agencies are hereafter collectively referred to as the "Parties."

### **RECITALS**

WHEREAS, the Parties are authorized by the Utah Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code (the "Act"), to enter into agreements that enable them to make the most efficient use of their resources; and

WHEREAS, UDOT wishes to utilize Uniformed Law Enforcement Officers from \_\_\_\_\_ for the purposes of providing presence and enforcement in Construction work zones to increase safety for traveling motorists and workers.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth and from which the Parties intend to derive mutual benefits, and for other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

1. PROJECT DEFINED. UDOT shall construct project (project name, number and description):
2. LOCAL LEAD AGENCY. UDOT will be responsible for the management and operation of the highway throughout the duration of the construction of the project. This includes the authority to determine the most appropriate way to control traffic within the construction work zone limits of the project.
3. REQUIRED TRAINING. As of July 1, 2015, UDOT will only compensate other parties to this Agreement for the use of uniformed law enforcement officers that have successfully completed the approved course on the Safe and Effective Use of Law Enforcement in Work Zones.
4. FUNDING. UDOT will reimburse \_\_\_\_\_ at the rate of \$\_\_\_\_\_ per hour per officer requested by UDOT and provided by \_\_\_\_\_ with an agreed upon 2 hr minimum charge. The total costs of the reimbursement shall not exceed \$ \_\_\_\_\_ or \_\_\_\_\_ hrs. All funds allocated by UDOT will be paid through UDOT for payment of \_\_\_\_\_ city/county invoices.
5. COORDINATION. The Parties shall keep each other informed of substantive or material communications and activities related to the Project.
6. CHANGES. Alterations, extensions, supplements or modifications to the terms of this Agreement shall be agreed to in writing by the Parties and shall be incorporated as amendments to this Agreement.
7. RECORDS. The Parties understand that disclosure of records pursuant to this Agreement is subject to the Utah Government Records Access and Management Act.
8. TERMINATION FOR CAUSE. A Party may terminate this Agreement for cause if any other Party fails to fulfill its obligations under this Agreement in a timely and proper manner.

9. TERMINATION FOR CONVENIENCE. A Party may terminate this Agreement at any time for any reason by giving at least thirty (30) calendar days prior notice in writing to the other parties. Terminating Parties must satisfy all their obligations under this Agreement.

10. INTERLOCAL COOPERATION ACT REQUIREMENTS. To satisfy the requirements of the Act the Parties agree as follows:

- (a) This Agreement shall be authorized by resolution of the legislative body of each public Party pursuant to Section 11-13-202.5 of the Act.
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Act;
- (c) A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each Party pursuant to Section 11-13-209 of the Act;
- (d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs; and
- (e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the Mayor or chief executive officer of each public entity. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party.

IN WITNESS WHEREOF, the above-identified Parties have entered into this Agreement effective the date first set forth herein.

SIGNATURE PAGE FOR INTERLOCAL AGREEMENT for the reimbursement of  
**Uniformed Law Enforcement Officers in Construction Work Zones**

\_\_\_\_\_ City / County

**NAME:**

Title

Date: \_\_\_\_\_

---

SIGNATURE PAGE FOR INTERLOCAL AGREEMENT for the reimbursement of  
**Uniformed Law Enforcement Officers in Construction Work Zones**

UTAH DEPARTMENT OF TRANSPORTATION

**NAME:**

UDOT Project Director

Date: \_\_\_\_\_

---

SIGNATURE PAGE FOR INTERLOCAL AGREEMENT for the reimbursement of  
**Uniformed Law Enforcement Officers in Construction Work Zones**

UTAH DEPARTMENT OF TRANSPORTATION

**NAME:**

Region Director

Date: \_\_\_\_\_

Approved as to Form:  
JWP Created on 10/23/2014

**VII. EXAMPLE SPECIAL PROVISION:**

## **SPECIAL PROVISION**

**PROJECT #**

**PIN #**

## **SECTION 01559S**

### **HIGHWAY PATROL ASSISTANCE**

**Add Section 01559S**

#### **PART 1 GENERAL**

##### **1.1 SECTION INCLUDES**

- A. Contractual use of off-duty Utah Highway Patrol (UHP) Troopers to enforce Traffic Control setup within a Work Zone.

##### **1.2 RELATED SECTIONS**

- A. Section 01554: Traffic Control

##### **1.3 REFERENCES**

- A. GUIDELINES FOR UNIFORMED OFFICER USE IN WORK ZONES

##### **1.4 DEFINITIONS Not Used**

##### **1.5 SUBMITTALS**

- A. Submit Implementation plan to the Engineer for approval a minimum of seven (7) days in advance of the proposed use of Highway Patrol Troopers. The plan will detail the proposed location(s), times, description of road work being performed and the use of UHP Troopers for protection of traffic lane closures and for enforcing the Traffic Control setup within a Work Zone.
- B. UHP will submit invoices for Troopers directly to the Contractor for payment .

##### **1.6 PAYMENT PROCEDURES**

- A. The Department will set aside a fixed number of hours of UHP Trooper assistance for this project. The Contractor will pay the UHP directly for all

approved use of off-duty Highway Patrol Troopers. Bidders shall be required to bid the predetermined number of hours with the predetermined unit price for UHP Trooper assistance.

- B. The contractor shall place all costs associated with the management of the uniformed officers in the lump sum unit price for Traffic Control.
- C. The Department will pay 100% of the actual hours invoiced, at invoiced rate, up to the predetermined number of hours set for the UHP Trooper assistance for the project. The Contractor will pay the full amount of the invoice from the UHP and bill the Department for 100% of the hours invoiced, not to exceed to predetermined number of hours allocated.
- D. The Contractor may desire to use the UHP for more hours than has been predetermined by the Department. When this occurs, the Contractor will meet with the Engineer and request additional hours to be added to the bid item. The Engineer will determine if the additional hours are required for the successful completion of the project. If approved, the Department will pay 100% of the direct billed costs from the UHP. No costs associated with the management of the uniformed officers for any additional approved hours will be reimbursed by the Department. If the request for additional hours is not approved, then the Contractor shall pay 100% of the cost for hours used beyond the approved number of hours.

## **PART 2 EXECUTION**

### **2.1 TRAFFIC CONTROL OPERATIONS**

- A. Obtain written approval of implementation plan from the Engineer prior to scheduling or using off-duty UHP Troopers to assist with Traffic Control enforcement.
- B. The number of hours proposed in the implementation plan, and the actual number of hours invoiced will be handled according to Article 1.6, Paragraphs C & D above. The Department will pay up to 100% of the approved number of hours.
- C. Coordinate and schedule with each section office for off-duty UHP Troopers to meet your implementation plan.
  - a. Contact the UHP section office in the project area a minimum of seven (7) days in advance of the proposed use of highway patrol troopers.
  - b. Provide detailed information about the implementation plan, including but not limited to:
    - i. Project location
    - ii. Construction schedule

- iii. Number of hours of UHP assistance requested
- iv. Contact number(s) for scheduling Trooper(s)
- v. Other information requested

c. UHP Section Office contact information can be found on the public safety website at: [www.publicsafety.utah.gov/highwaypatrol/sections](http://www.publicsafety.utah.gov/highwaypatrol/sections)

- D. Provide a minimum of three (3) working days advanced notice, to the UHP section office and/or officers for scheduling your specific traffic control assistance.
- E. Provide a minimum of 12 hours advanced notice to the UHP contact for canceling or changing requests. A minimum of two (2) hours will be invoiced by the UHP due to improper notification due to a change in the schedule or implementation plan. Hours invoiced due to cancellations or changes made less than 12 hours in advance will be paid by the Contractor at 100%.
- F. Provide an implementation plan and coordinate construction activities that will require the UHP to be on the project for a minimum of two (2) hours, not including travel time.
- G. Time shown on the billings will represent time spent at the project site, with a minimum of (2) two hours per day. Round time to the nearest 30 min and include actual time spent on the project and not estimated or scheduled hours, even when work is finished early.